

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

By means of the present amendment, the current Abstract has been amended to remove legal phraseology.

In the Office Action, the Examiner indicated that the phrase "capable of" in claims 1-3, 9-11 and 18-19 means ability not actual carrying out a function. Without agreeing with the Examiner, and to advance prosecution and expedite allowance, claims 1-3, 9-11 and 18-19 have been amended to change "capable of" to -configured to-.

In the Office Action, claims 1-3, 7, 9, 10-11, 15, 17-19, 23 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,466,624 (Fogg) in view of US 6,810,082 (Shen). Further, claims 1, 8-9, 16-17 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,600,839 (Mancuso) in view of Shen. In response, claims 1-3, 9-11 and 17-19 have been amended to substantially revert back to the original claims as filed, where claims 3, 11 and 19 had been rewritten in independent form. It is respectfully submitted that claims 1-25 are patentable over Fogg, Shen and Mancuso for at least the following reasons.

At the outset, it is noted that on page 1, item 7 of the

Office Action, it is indicated that claims 4-6, 12-14 and 20-22 are objected to. However, there is no objection (or rejection) to claims 4-6, 12-14 and 20-22 in the remainder of the Office Action. Clarification is respectfully requested.

Fogg is directed to a video decoder with bit stream based enhancement. Column 13, lines 31-35 recite:

Therefore, a knowledge of the optical pathway can be used to correct existing artifacts (e.g., as a result of encoding), to determine the most effective applications of enhancement processing and/or to avoid the creation of perceivable artifacts as a result of enhancement processing.  
(Emphasis added)

Mancuso is directed to a non-linear adaptive image filter for filtering artifacts, thus reducing the artifacts, as recited on the first line of the abstract. Further, Mancuso recites on column 1, lines 56-58:

It can be appreciated therefore that what is needed is a technique to reduce the blocking artifacts without blurring the image's fine details. (Emphasis added)

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 3, 9, 11, 17 and 19 requires, amongst other patentable elements:

the usefulness metric utilized to determine an amount of video enhancement that can be applied to said previously coded digital video signal without enhancing coding artifacts. (Emphasis added)

This feature is nowhere taught or suggested in Fogg and Mancuso, and combination thereof. In fact, Mancuso teaches away from the present invention as recited in independent claims 1, 3, 9, 11, 17 and 19, since Mancuso teaches to reduce artifacts without blurring the image, while the present invention is diametrically opposite and requires determining an amount of video enhancement that can be applied to the previously coded digital video signal without enhancing coding artifacts. Similarly, Fogg is also diametrically opposite the present invention as Fogg teaches reducing the blocking artifacts.

It is respectfully submitted that determining an amount of video enhancement that can be applied to the previously coded digital video signal without enhancing coding artifacts, as recited in independent claims 1, 3, 9, 11, 17 and 19, is nowhere taught or suggested in Fogg and Mancuso, alone or in combination. Shen is cited to show other features and does not remedy the deficiencies in Fogg and Mancuso.

Accordingly, it is respectfully submitted that independent claims 1, 3, 9, 11, 17 and 19 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 4-8, 10, 12-16, 18 and 20-25 should also be allowed at least based on its dependence from independent claims

1, 3, 9, 11, 17 and 19, as well as for the separately patentable elements contained in each of the dependent claims.

Further, Fogg, Mancuso, Shen, and combinations thereof do not teach or suggest the present invention as recited in dependent claim 2, and similarly recited in dependent claims 10 and 18, which also requires, amongst other patentable elements:

a coding gain control block configured for using said usefulness metric to determine an allowable amount of sharpness enhancement applied to said previously coded digital video signal by said at least one sharpness enhancement unit. (Emphasis added)

In addition, there is no teaching or suggestion in Fogg, Mancuso and Shen, alone or in combinations, of the present invention as recited in dependent claims 4, 12 and 20, which require:


wherein said usefulness metric calculates on a pixel by pixel basis how much a pixel can be enhanced without increasing coding artifacts. (Emphasis added)

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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Enclosure: Replacement Abstract


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